

Notice of Allowability	Application No.	Applicant(s)	
	09/522,336	VONDERWALDE ET AL.	
	Examiner	Art Unit	
	(Jackie) Tan-Uyen T. Ho	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/30/04.
2. ☒ The allowed claim(s) is/are 57-67 and 69-72.
3. ☒ The drawings filed on 16 December 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>herewith</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Martin Moynihan on 2/15/05.

The application has been amended as follows:

- Replace the abstract with the new abstract as follow:

"A stent for maintaining the patency of a bodily lumen has a tubular body with at least one cover connector integrally formed on the tubular body."

Amend claim 57-59, 62-65, 71 and 72 and cancel claim 68 as follow:

- Claim 57, line 5, replace "a said" with --said at least one--; line 11, after "a first" insert --longitudinal oriented--; line 13, after "a second" insert --longitudinal oriented--.
- Claim 58, line 2, replace "a first" with --the first--; replace "a second" with --the second--.
- Claim 59, line 2, replace "a first" with --the first--; replace "a second" with --the second--.
- Claim 62, line 1, replace "said ring section" with --of said plurality of ring sections--; line 2, after "and" insert --said--, after "one" delete "said", after "connecting" insert --support--; line 3, after "said" insert --at least one--.
- Claim 63, line 1, after "is" insert --further--; line 2, replace "said ring section" with --of said plurality of ring sections--.
- Claim 64, line 1, replace "said ring connectors" with --connecting support members"; line 2, after "adjacent" delete "said".

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- Claim 65, replace "a said" with --said at least one--; line 10, after "is" insert --further--, replace "said ring" with --of said plurality of ring--; line 11, replace "section" with --sections--.
- Claim 68. (Canceled)
- Claim 71, line 1, replace "said ring section" with --of said plurality of ring sections--; line 2, after "and" insert --said--, after "one" delete "said", after "connecting" insert --support--; line 3, after "said" insert --at least one--.
- Claim 72, line 1, replace "said ring connectors" with --connecting support members--; line 2, delete "said".

Claim 57-67 and 69-72 should be as follow after the Examiner's Amendment above entered.

57. A stent assembly, comprising:

- a) an expandable tubular stent body, which is formed of a plurality of ring sections, having at least one connecting support member extending between adjacent ring sections and which has a cover connecting member with at least two penetrating elements integrally formed with said at least one connecting support member; and
- b) a stent cover which is disposed over at least a portion of said tubular stent body, which is secured to said tubular stent body by said cover connecting member with said at least two penetrating elements extending through said stent cover and extending over an outer surface of said stent cover

wherein a first of said at least two penetrating elements extends through said stent cover at a first location of said stent cover adjacent to a first longitudinal oriented edge of said stent cover and wherein a second of said at least two penetrating elements extends through said stent cover at a second location of said stent cover adjacent to a second longitudinal oriented edge of said stent cover.

58. The stent assembly of claim 57 wherein said stent cover has a cylindrical shape with the first longitudinally oriented edge abutting a second longitudinally oriented edge.

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59. The stent assembly of claim 57 wherein said stent cover has a cylindrical shape with the first longitudinally oriented edge overlapping a second longitudinally oriented edge.

60. The stent assembly of claim 57 wherein said stent cover extends from a first end of said stent body to a second end of said stent body.

61. The stent assembly of claim 57 wherein said stent cover is formed of a biocompatible non-thrombogenic material.

62. The stent assembly of claim 57 wherein at least one of said plurality of ring sections at an end of said stent body has undulations and said at least one connecting support member extends between said at least one ring section having undulations and an adjacent ring section.

63. The stent assembly of claim 57 wherein said stent cover is further secured to said stent body by undulations of said at least one of said plurality of ring sections at an end of said stent body which extend over an end portion of said stent cover.

64. The stent assembly of claim 57 having a plurality of connecting support members extending between adjacent ring sections.

65. A stent assembly, comprising:

- a) an expandable tubular stent body, which is formed of a plurality of ring sections, having at least one connecting support member extending between adjacent ring sections and which has a cover connecting member with at least two penetrating elements integrally formed with said at least one of connecting support member; and
- b) a stent cover which is disposed over at least a portion of said tubular stent body, which is secured to said tubular stent body by said cover connecting member with said at least two penetrating elements extending through said stent cover and extending over an outer surface of said stent cover

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wherein said stent cover is further secured to said stent body by undulations of at least one said plurality of ring sections at an end of said stent body which extend over an end portion of said stent cover.

66. The stent assembly of claim 65 wherein said stent cover has a cylindrical shape with a first longitudinally oriented edge abutting a second longitudinally oriented edge.

67. The stent assembly of claim 65 wherein said stent cover has a cylindrical shape with a first longitudinally oriented edge overlapping a second longitudinally oriented edge.

68. (Canceled)

69. The stent assembly of claim 65 wherein said stent cover extends from a first end of said stent body to a second end of said stent body.

70. The stent assembly of claim 65 wherein said stent cover is formed of a biocompatible non-thrombogenic material.

71. The stent assembly of claim 65 wherein at least one of said plurality of ring sections at an end of said stent body has undulations and said at least one connecting support member extends between said at least one ring section having undulations and an adjacent ring section.

72. The stent assembly of claim 65 having a plurality of connecting support members extending between adjacent ring sections.

Reason for Allowance

2. The following is an examiner's statement of reasons for allowance: Claims 57-67 and 69-72 are allowed because the prior art fails to disclose or suggest:

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In regard to claims 57-64, a stent assembly comprising in combination with other limitations of the claims, a cover connecting member with at least two penetrating elements integrally formed with at least one connecting support member wherein a first of the at least two penetrating elements extends through said stent cover at a first location of a stent cover adjacent to a first longitudinal oriented edge of the stent cover and wherein a second of the at least two penetrating elements extends through the stent cover at a second location of the stent cover adjacent to a second longitudinal oriented edge of the stent cover.

In regard to claims 65-67, 69-72, a stent assembly comprising in combination with other limitations of the claims, a cover connecting member with at least two penetrating elements integrally formed with at least one connecting support member wherein penetrating elements extending through said stent cover and extending over an outer surface of said stent cover and stent cover is secured to said stent body by undulations of at least one of said plurality of ring sections at an end of said stent body which extend over an end portion of said stent cover.

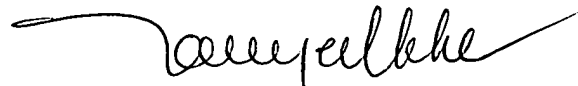
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



(Jackie) Tan-Uyen T. Ho
Patent Examiner
Art Unit 3731

February 15, 2005